

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	Case No. 8:13CR105
)	
Plaintiff,)	MOTION FOR EXTENSION
)	OF TIME TO OBJECT TO
-vs-)	MAGISTRATE’S FINDINGS
)	
TIMOTHY DEFOGGI,)	
)	
Defendant.)	

COMES NOW Timothy Defoggi, through counsel, and requests this Honorable Court EXTEND the time to object to the Magistrate’s findings (filing #169) regarding the Defendant’s Motion to Dismiss (filing #138) for the following good and sufficient reasons, to wit:

1. On or about June 25, 2014, Magistrate Thalken issued Findings and Recommendations which denied the Defendant’s Motion to Dismiss (filing #138).
2. The Defendant has specifically instructed counsel file an objection to the Findings and Recommendations issued.
3. In reading the magistrate’s findings (filing #169), Magistrate Thalken allotted “fourteen (14) business days” to object to the findings.

4. Counsel notes that NECrimR 59.2 provides objections to a Magistrate Judge's Findings and Recommendations must be filed within "fourteen days" to object unless stated otherwise.
5. Counsel acknowledges that "fourteen days" as noted in the local rule may be different than the "fourteen (14) business days" provided in Magistrate Thalken's Findings and Recommendations; however, out of an abundance of caution, counsel believes this Motion for Extension is necessary to ensure that the Defendant's Objections are filed in a timely manner.
6. The Attorney assigned to the case, John Berry, is out of the office until later this month attending the Nebraska National Guard Leadership Training Academy.
7. Counsel has contacted the A.U.S.A. assigned to the case, Mike Norris, and finds no objection to a continuation.

WHEREFORE, for the good and sufficient reasons set for above, Defendant respectfully requests this Honorable Court EXTEND the time to object to the Magistrate's findings (filing #169) regarding the Defendant's Motion to Dismiss (filing #138) for seven (7) days and clarify the exact date Objections are due.

Respectfully submitted,
Timothy Defoggi, Defendant

/s/ John S. Berry
(By Chad J. Wythers, #22383)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Michael Norris, Assistant U.S. Attorney and Keith A. Becker, U.S. Department of Justice, by electronically serving a copy of the same to both via CM/ECF, on this the 9th day of July, 2014.

/s/ John S. Berry
John S. Berry, #22627